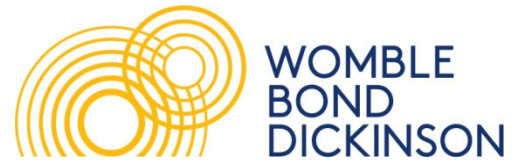


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March 29, 2021

Via CM/ECF

**United States District Judge Jeffrey V. Brown
United States District Court for the Southern District of Texas
601 Rosenberg Avenue, Room 613
Galveston, Texas 77550**

Womble Bond Dickinson (US) LLP

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**Re: *DynaEnergetics Europe GmbH, et al. v. G&H Diversified
Manufacturing, LP, et al.*, Civil Action No. 3:20-cv-00376**

Barry J. Herman
Partner
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E-mail: Barry.Herman@wbd-us.com

Honorable Judge Brown,

I am lead counsel for Defendants and Counterclaim-Plaintiffs DynaEnergetics Europe GmbH and DynaEnergetics US, Inc. (collectively, "DynaEnergetics") in the above-captioned action against Plaintiff and Counterclaim-Defendant G&H Diversified Manufacturing, LP and Counterclaim-Defendant Yellow Jacket Oil Tools, LLC (collectively, "G&H").

We understand the law in this Court is that surreplies should not be filed without leave of court granted upon a showing of good cause for the necessity of the proposed surreply. *See BHL Boresight, Inc. v. Geo-Steering Sols., Inc.*, No. 4:15-CV-00627, 2017 WL 3634215, at *3 (S.D. Tex. Aug. 24, 2017) ("A reply to a reply (a surreply) should not be filed without requesting leave of court. Such a request must also be accompanied by a detailed recital of the necessity of the proposed surreply—something more than a conclusory assertion that Defendants raise new arguments in their Replies.") (internal citation omitted). Last Thursday, without requesting or receiving leave, G&H "surreplied" with 15 additional pages of argument and 10 additional exhibits anyway. *See* Sur-Reply in Opposition to DynaEnergetics' Motion to Dismiss or, Alternatively, to Transfer to the Western District of Texas (filed March 25, 2021) (Dkts. 38, 38-1).

The Court may be inclined to disregard or strike G&H's Sur-Reply *sua sponte*, either as an unauthorized pleading, or because it merely rehashes arguments from G&H's opposition brief and contains nothing meriting a response. DynaEnergetics is not inclined to further burden the Court with a motion to strike, and certainly will not file its own unauthorized "sur-surreply." If the Court believes a response to G&H's surreply would be helpful, DynaEnergetics is happy to provide one at the Court's request. Otherwise, we hope to put an end to G&H's never-ending cycle of briefing by standing on the current authorized briefing, which we believe adequately addresses the issues and supports resolving them in favor of granting DynaEnergetics' Motion to Dismiss (Dkt. 16).



Best regards,

A handwritten signature in blue ink, appearing to read "Barry J. Herman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Barry J. Herman

Attorney-in-Charge for Defendants / Counterclaim-
Plaintiffs

cc: Counsel of Record for G&H Diversified Manufacturing, LP and
Yellow Jacket Oil Tools, LLC via CM/ECF System